

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jennifer Smith	Team: Squad #14	CCRB Case #: 201710392	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 12/17/2017 10:14 PM	Location of Incident: Belt Parkway near Louisiana Avenue; 69th Precinct stationhouse	Precinct: 69	18 Mo. SOL 6/17/2019	EO SOL 6/17/2019	
Date/Time CV Reported Mon, 12/18/2017 11:24 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/18/2017 11:24 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Theresa Haley	17675	932994	HWY 02
2. POM Richard Law	16697	960788	069 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Adam Triolo	02456	946344	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Theresa Haley	Discourtesy: On the Belt Parkway near Louisiana Avenue in Brooklyn, Police Officer Theresa Haley acted discourteously toward § 87(2)(b)	
B.POM Richard Law	Abuse: At the 69th Precinct stationhouse, Police Officer Richard Law did not process § 87(2)(b)'s complaint regarding an officer.	
C.POM Richard Law	Abuse: At the 69th Precinct stationhouse, Police Officer Richard Law did not process § 87(2)(b)'s complaint regarding an officer.	

### Case Summary

On December 18, 2017, § 87(2)(b) called the CCRB and filed this complaint. § 87(2)(b)'s sister, § 87(2)(b) was ultimately identified as a second victim in this complaint.

On December 17, 2017, at approximately 10:14 p.m., Police Officer Theresa Haley of Highway 2 stopped § 87(2)(b)'s vehicle on the Belt Parkway near Louisiana Avenue in Brooklyn, and issued § 87(2)(b) a traffic summons for speeding. PO Haley allegedly "tossed" § 87(2)(b)'s driver's license, vehicle registration, and the summons at him through the driver window (**Allegation A: Discourtesy**, § 87(2)(g) § 87(2)(b) and § 87(2)(b) who was present inside of § 87(2)(b)'s vehicle, immediately drove to the 69<sup>th</sup> Precinct stationhouse to file a complaint about this incident, which Police Officer Richard Law of that command allegedly refused to process (**Allegation B and Allegation C: Abuse of Authority**, § 87(2)(g) § 87(2)(b) [§§ 86(1)(3)&(4)] § 87(2)(c))

PO Haley's dashboard camera captured this incident. The original footage contains two files, which can be found in IA #49 (12 Board Review) and IA #50 (14 Board Review), and the summaries of the footage can be found in IA #56 (06 Board Review). SnagIt clips of the relevant portions of the incident can be found below.

### Findings and Recommendations

#### **Allegation A - Discourtesy: On the Belt Parkway near Louisiana Avenue in Brooklyn, Police Officer Theresa Haley acted discourteously toward § 87(2)(b)**

It is undisputed that PO Haley stopped § 87(2)(b)'s vehicle and issued § 87(2)(b) a traffic summons (15 Board Review) for driving 14 miles over the speed limit.

PO Haley's dashboard camera and microphone captured this incident.



201710392\_20180501\_1234\_DM - Copy.mp4



201710392\_20180417\_1454\_DM.mp4

The first video captures PO Haley approaching § 87(2)(b)'s vehicle and saying, "Don't get out of the vehicle. You're being recorded. 74 in a 50. License and registration." § 87(2)(b)'s response is inaudible at first. He then asks what PO Haley is talking about and denies speeding. PO Haley says, "Take it out. What do you mean what am I talking about? You're doing 74 miles per hour in a 50 mile per hour zone. That's what I'm talking about." § 87(2)(b) denies this and provides something not visible to PO Haley, who says, "What is this thing? Give me your license." § 87(2)(b) says he is "on the job" and asks if he should call his supervisor. PO Haley repeats her order for § 87(2)(b) to produce his license.

The second video captures PO Haley approaching § 87(2)(b)'s driver window again. She says, "Sir, here is your driver's license and the document that you gave me and all of the information is on the right side of the summons. Drive safely." PO Haley's hand is seen inside of the vehicle for no more than two seconds (00:05-00:07). The inside of the vehicle is not visible, though PO Haley's arm does not make any sudden or jerking movements.

§ 87(2)(b) (01 Board Review) said he asked PO Haley what the problem was when she initially approached his vehicle. PO Haley told him that he was driving too fast. § 87(2)(b) denied doing so. PO Haley said, “You’re arguing. Shut up.” PO Haley ordered § 87(2)(b) to provide his identification. § 87(2)(b) PO Haley said, “That’s fake. I don’t want that. Give me your state ID.” § 87(2)(b) provided his driver’s license and registration. PO Haley returned to her police vehicle with the documents, but soon returned and allegedly tossed § 87(2)(b)’s driver’s license, vehicle registration, and summons onto § 87(2)(b)’s chest. The documents landed on § 87(2)(b)’s lap. PO Haley told § 87(2)(b) to have a nice day and left.

§ 87(2)(b)’s statement (02 Board Review) was generally consistent with § 87(2)(b)’s statement, but she said § 87(2)(b)’s documents fell onto his lap and then onto the floor. § 87(2)(b) was so angry that he did not notice that PO Haley tossed the summons at him.

PO Haley (03 Board Review) said § 87(2)(b) denied speeding and said he did not want a summons. § 87(2)(b) was combative and showed PO Haley a PBA card. PO Haley told § 87(2)(b) that she did not want his PBA card, and that she needed his driver’s license. § 87(2)(b) complied, but again said he did not want a summons. PO Haley told § 87(2)(b) that disputing the summons while in the shoulder lane of a highway was unsafe and that he could do so in court. PO Haley wrote the summons in her vehicle and when she returned to § 87(2)(b)’s window, she handed § 87(2)(b) his documents. PO Haley never tossed the documents at § 87(2)(b). During her CCRB interview, she said she never throws anything at anyone.

§ 87(2)(g)  
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**Allegation B – Abuse of Authority: At the 69th Precinct stationhouse, Police Officer Richard Law did not process § 87(2)(b)’s complaint regarding an officer.**

**Allegation C – Abuse of Authority: At the 69th Precinct stationhouse, Police Officer Richard Law did not process § 87(2)(b)’s complaint regarding an officer.**

§ 87(2)(b) said he and § 87(2)(b) immediately went to the 69<sup>th</sup> Precinct stationhouse. § 87(2)(b) said that upon their arrival, he and § 87(2)(b) spoke to PO Law and Sgt. Adam Triolo of that command. § 87(2)(b) and § 87(2)(b) told the officers that § 87(2)(b) had been “unfairly” pulled over by PO Haley and that they wanted to file a complaint against her. PO Law and Sgt. Triolo said the 69<sup>th</sup> Precinct was not “connected with” Highway 2. § 87(2)(b) asked why his summons indicated the 69<sup>th</sup> Precinct. PO Law told § 87(2)(b) and § 87(2)(b) to call the CCRB and pointed to the CCRB sign on the stationhouse wall. § 87(2)(b) left the stationhouse with § 87(2)(b) and later called the CCRB.

§ 87(2)(b) said that upon their arrival, PO Law and Sgt. Triolo were at the stationhouse front desk. Sgt. Triolo was on the phone. § 87(2)(b) told PO Law that she wanted to file a complaint against PO Haley because she had been “very rude.” PO Law told § 87(2)(b) that Highway Patrol was a “different unit.” § 87(2)(b) asked PO Law to identify his supervisor. PO Law pointed to Sgt. Triolo. § 87(2)(b) told PO Law that PO Haley tossed § 87(2)(b)’s driver’s

license at him and asked, “What do I do?” PO Law said, “If you want to complain, you’ll have to deal with Highway 2.” § 87(2)(b) asked how to contact Highway 2 and PO Law pointed to the CCRB sign on the stationhouse wall. § 87(2)(b) said that her brother was a detective and not a civilian. PO Law said contacting the CCRB was her “best bet.” § 87(2)(b) again asked PO Law to file a complaint against PO Haley. PO Law asked for § 87(2)(b)’s summons, which § 87(2)(b) provided. PO Law typed on his computer and said, “No, we don’t have an ‘Officer Haley.’” § 87(2)(b) and § 87(2)(b) left the stationhouse. § 87(2)(b) stood nearby during this interaction, but never asked to file a complaint himself.

PO Law (04 Board Review) who was assigned to patrol during this incident, said that he was covering the desk for the telephone switchboard operator at the time of this incident. When § 87(2)(b) and § 87(2)(b) entered the stationhouse, § 87(2)(b) yelled to PO Law that he had just been issued a traffic summons for speeding. § 87(2)(b) said PO Haley was discourteous, rude, and refused to listen to anything he said. § 87(2)(b) said he wanted his summons “taken care of.” PO Law looked at § 87(2)(b)’s summons and told him that PO Haley was not assigned to the 69<sup>th</sup> Precinct. PO Law wrote down the phone number for Highway 2 on a piece of paper and handed it to § 87(2)(b). PO Law told § 87(2)(b) that he could contact PO Haley’s command directly if he wanted to. § 87(2)(b) accepted the piece of paper. PO Law began to explain the process for filing a complaint against an officer, and pointed to the CCRB sign on the stationhouse wall.

During his interview, PO Law was asked what the process for filing a civilian complaint against an officer was. PO Law said, “They can call, they can do it online, or I can do it in the stationhouse.” PO Law said that regardless of his daily assignment, in a situation such as this one, where he is covering the desk for the telephone switchboard officer, if a civilian asks him to process a complaint against an officer, it is his responsibility to do so. However, PO Law said he never had the opportunity to tell § 87(2)(b) that he could process the complaint for him after pointing out the CCRB sign because § 87(2)(b) spoke over PO Law and told him to “take care” of the summons. In response, PO Law told § 87(2)(b) that his summons could only be disputed in court. § 87(2)(b) asked PO Law to “fix” the summons and said multiple times that he worked for the district attorney’s office. At this point, Sgt. Triolo became involved and explained to § 87(2)(b) that officers cannot “fix” summonses. § 87(2)(b) “stormed out” of the stationhouse. PO Law believed § 87(2)(b)’s sole intent was to “fix” his summons. PO Law never told § 87(2)(b) or § 87(2)(b) that they could not file a complaint against PO Haley at the stationhouse because she was assigned to Highway 2 or for any other reason.

Sgt. Triolo (05 Board Review), who was the desk officer during this incident, acknowledged being at the stationhouse during the time at which this incident took place, but said he had no recollection of the actual incident. Sgt. Triolo said that if a civilian requested to file a complaint against an officer, they would have been directed to him, and he would have had “no problem” processing their complaint. Sgt. Triolo has processed civilian complaints against officers in the past, and it is never at Sgt. Triolo’s discretion to decide which complaints to process or not. Sgt. Triolo prepares all relevant documents for civilian complaints, logs them in the command log, and provides civilians with all relevant information pertinent to their complaint.

The December 17, 2017 Command Log from the 69<sup>th</sup> Precinct (07 Board Review) contains no entry about § 87(2)(b) and § 87(2)(b) arriving at the stationhouse or their desire to file a complaint.

NYPD Patrol Guide, Procedure 207-31 (16 Board Review) states that upon receipt of a civilian complaint made in-person, the member of service receiving the complaint must interview the complainant, give the complainant the first copy of the Civilian Complaint Report to prepare in their own handwriting, furnish assistance or allow another person to assist in preparing the form, and have the complainant sign the form. If a complainant does not want to immediately file their complaint, the member of service receiving the complaint must provide the complainant with the first copy of the Civilian Complaint Report, advise the complainant that the complaint may be delivered in-person, taken over the phone, or sent by mail to any police service area, and provide the complainant with the CCRB's telephone number. The member of service must notify the desk officer and immediately make a Command Log entry that includes the name of the complainant and any other pertinent information.

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) (10 Board Review) and § 87(2)(b) (11 Board Review) have been a party.
- PO Haley has been a member-of-service for 14 years and has been a subject in nine CCRB complaints and five allegations, none of which were substantiated. § 87(2)(g)
- PO Law has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.

- As of May 9, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (08 Board Review).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]

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Squad No.: 14

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date